

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

BRIAN WOOD*Defendant(s)***FILED**UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICOCase No. 16-MJ-1705

APR 20 2016

MATTHEW J. DYKMAN
CLERK**CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 04/16-17/2017 in the county of San Juan in the
District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18, USC 113(a)(6)	Assault resulting in serious bodily injury
Title 18, USC 113(a)(3)	Assault with a dangerous weapon
Title 18, USC 1153	Crime on Indian Reservation

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.*Complainant's signature*

Marc K. Scott, Criminal Investigator

Printed name and title

Sworn to before me and signed in my presence.

Date:

April 20, 2016

City and state:

Farmington, NM*Judge's signature***B. Paul Briones, US Magistrate Judge***Printed name and title*

Approved: AUSA, KN 4/19/2016

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

United States of America,

Plaintiff,

VS.

Brian Wood

YOB: 1990

SSAN: XXX-XX-3733

Defendant

Case No.: 16-MJ-1705

AFFIDAVIT

AFFIDAVIT

I, being duly sworn, do hereby depose and state:

I am a regularly appointed Criminal Investigator with the Navajo Department of Criminal Investigation. I have been a Navajo Criminal Investigator for approximately 13 years, and was a uniformed Navajo police officer for six years prior to becoming an investigator. I am currently assigned to the Shiprock, New Mexico, Criminal Investigation office, where I primarily investigate violent crimes, including assaults resulting in serious bodily injury and assaults with dangerous weapons that occur on the Navajo Indian reservation.

FBI Special Agent Lance Roundy, along with officers of the Navajo Nation Department of Public Safety (NNDLE) and I derived the following facts during an investigation.

At approximately 5:35 am on April 17, 2016, Navajo Police Dispatcher contacted me about an alleged sexual assault. Navajo Police Officer Samuel Sloan was on scene at South non-profit

Approved: AUSA, KN 4/19/2016

1 apartment 1026 in Shiprock, New Mexico, within the exterior
2 boundaries of the Navajo Indian reservation. I responded to the
3 scene.

4 Upon arrival, I met with Navajo Police Officer Sloan. The
5 female identified as K.B. was taken to the hospital prior to my
6 arrival. K.B. told Officer Sloan she was assaulted by her ex-
7 boyfriend, Brian Wood (hereinafter "Wood.") Wood battered and
8 assaulted K.B. multiple times throughout the night of April 16,
9 and continuing into April 17, 2016. Wood would not let her leave
10 and tied her ankles and hands together and gagged her with a
11 ligature tied around her head. Wood physically beat her with his
12 hands and feet and poured various liquids on her, including
13 bleach and other household cleaning agents. Wood also repeatedly
14 threw a kitchen knife at her causing her to receive many small
15 cuts to her body.

16 Officer Sloan showed Investigator Scott what appeared to be
17 a doughy substance on the concrete patio outside the front door.
18 There were footprints in the same doughy substance that led to
19 the front door of the neighbor's house.

20 On the interior of apartment 1026, the same white doughy
21 substance was found on the apartment floor along with large
22 pools of water in the kitchen, dining room and living room area.
23 There were signs of a struggle in multiple rooms: the living
24 room, the dining area, the kitchen and the largest bedroom. I
25 photographed the interior of the apartment. Several items of
26 evidence were collected pursuant to a consent search from inside
27 the apartment to include: an electrical cord, a belt, several
28

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1 items of clothing, a jacket, a pipe with lighter, and a liquor
2 bottle with a few miniature bottles of liquor.

3 Several hours later, Navajo Police officers located and
4 arrested Wood. Wood was booked into the adult correction center
5 in Shiprock, New Mexico. Wood refused to take the Breathalyzer
6 test.

7 On April 18, 2016 Special Agent Roundy and I interviewed
8 K.B. at the Northern Navajo Medical Center in Shiprock, NM. Her
9 eyes were closed and she could not open them. She was receiving
10 medication and treatment for burns to her eyes. K.B. was
11 awaiting an optometrist to visit and further examine her eyes.
12 K.B. was cooperative and provided the following information:

13 K.B. returned home around 10pm on April 16, 2016 and Wood
14 was waiting for her outside her apartment. K.B. recognized Wood
15 from their prior relationship that ended in the summer of 2015.
16 They had kept in contact off and on since their break up. Wood
17 told her he was there because he wanted to talk. K.B. allowed
18 Wood inside. Wood smelled of liquor and appeared to be
19 intoxicated and maybe high on meth. After several minutes, Wood
20 became agitated and confrontational with her. K.B. kept telling
21 him to calm down. Wood demanded she return some of his clothing
22 and became aggressive over a shirt. K.B. told Wood to look for
23 the clothes himself and he followed her toward the bathroom.
24 Wood began demanding to look at her phone. They argued and he
25 struck her face with a closed fist. When K.B. fell to the floor
26 Wood kicked her. K.B. fought with him and he kept demanding to
27 see her phone. K.B. led Wood to her bedroom closet where her
28 phone was. Wood looked through the phone and questioned a male's

Approved: AUSA, KN 4/19/2016

1 name she had in her contacts, accusing her of cheating on him.
2 Wood threw her phone against the bedroom wall, breaking the
3 phone. Wood came at her and started hitting her over and over on
4 the head. Wood said, "we're going to have fun tonight!" Wood
5 asked where she kept her money. K.B. told him she had \$200
6 dollars for rent in the closet. Wood found it and kept it. Wood
7 grabbed a belt and started to hit her with it and then told her
8 to lie face down on the bedroom floor. Wood stepped on her back,
9 holding her down with his foot; he tied her up using a belt and
10 an electrical cord he cut from a floor lamp. Wood dumped a bag
11 of cereal on K.B. and continued to kick her face and stomach and
12 step on her. Wood made an attempt to pull down her pants, but
13 K.B. was able to kick him and fend him off. Wood verbally
14 threatened her over and over saying he would hurt her more if
15 she didn't comply with his demands. Wood pulled the queen-sized
16 mattress on top of K.B. and lay on top of the mattress. Wood
17 asked K.B. questions and continued to batter her facial area,
18 which was exposed from under the mattress. Wood asked for her
19 vehicle keys and he left the room after she told him the keys
20 were on top of the refrigerator. K.B. contemplated trying to
21 escape out through a bedroom window, but was too afraid that
22 Wood would catch her and hurt her more. When Wood returned to
23 the room a few moments later, he untied her hands from her back
24 and moved them to her front. Wood retied her wrists together and
25 walked K.B. into the kitchen. Wood used a shirt to tie her
26 ankles together. Wood continued to hit and kick K.B. and she
27 fell to the kitchen floor. Wood opened the refrigerator and
28 proceeded to pour the contents of the condiments on her. K.B.

Approved: AUSA, KN 4/19/2016

1 described BBQ sauce and pickles, among other liquids, being
2 poured on her. Wood emptied a bag of flour all over K.B. and
3 made a pile on the floor. Wood shoved her face into the pile of
4 flour. K.B. said she could not breath and she almost blacked
5 out. Wood asked where she kept her pine-sol and bleach. Wood
6 located the cleaning agents under the kitchen sink and poured
7 bleach and pine-sol all over her. K.B. estimated that she laid
8 there for about an hour. Wood kicked her face and she began to
9 bleed from her mouth. Wood poured bleach into a spray bottle and
10 proceeded to spray her in the face with it. K.B. said her eyes
11 were burning and she couldn't see. Wood sprayed the bottle of
12 bleach around the apartment. Wood also said he would take her to
13 his "homie's" place and let his "homie do whatever he wanted to
14 her". Wood smoked a cigarette while she lay on the floor. Wood
15 also had a bottle of liquor and was consuming that. While K.B.
16 lay on the floor she felt Wood burn the inside of her left arm,
17 possibly from the cigarette he was smoking. Wood stepped on her
18 head. K.B. was able to move to the living room carpet. Wood
19 produced a kitchen knife from her kitchen and began throwing it
20 at her. K.B. said the knife would hit her and it would really
21 hurt, but the knife didn't stick in and kept falling to the
22 floor. Wood would pick up the knife and throw it at her over and
23 over. K.B. was in pain and just curled up holding her stomach.
24 Wood put the knife to her throat and flicked it up across her
25 cheek trying to cut her face. After awhile, Wood untied K.B. and
26 told her to start cleaning. Wood said no one would know he was
27 there. Wood said, he'd done this before and he's kidnapped
28 before. K.B. argued with him saying that she couldn't clean

Approved: AUSA, KN 4/19/2016

1 while she was still tied up. So, Wood untied her right wrist.
2 K.B. still had her left wrist tied to her left ankle. K.B. made
3 an attempt to clean and pretended as though her bindings were
4 still tight even though they were loosening up. Some time had
5 passed and Wood went to the bathroom. K.B. ran out the front
6 door. Wood pursued her and caught her at the front door of the
7 neighbor's house. They struggled outside the front door of the
8 neighbor's house. K.B. screamed as loud as she could and banged
9 on the neighbor's door and windows. Wood ran off. The neighbor,
10 her aunt, answered the door. They immediately notified the
11 police.

12 Both K.B. and Wood are enrolled members of the Navajo
13 tribe. The location of the incident is located within the
14 exterior boundaries of the Navajo Indian reservation.

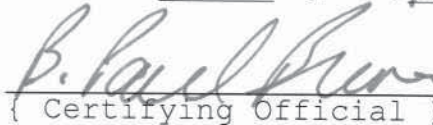
15 Based on the above, I believe probable cause exists to
16 believe Brian Wood, an Indian person, committed the crimes of
17 Assault resulting in serious bodily injury, in violation of
18 Title 18 USC Section 113(a)(6), by striking KB with his hands
19 and feet and then pouring various liquids on her, to include
20 spraying bleach into her eyes, and Assault with a deadly weapon,
21 in violation of Title 18 USC 113 (a)(3), by throwing a kitchen
22 knife at her multiple times causing many small lacerations to
23 her body, and that these crimes occurred within the exterior
24 boundaries of the Navajo Indian reservation, in violation of
25 Title 18 USC Section 1153. I request a warrant be issued for
26 Brian Wood's arrest for the above charges.

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Marc K. Scott
Criminal Investigator
Navajo Dept. of Criminal Invest.
Shiprock, New Mexico

Subscribed and sworn to before me this 20 day of April, 2016


{ Certifying Official }

B. Paul Briones, US Magistrate Judge

My commission expires _____.

